

**By** the Committees on Rules; and Environment and Natural Resources; and Senator Bradley

595-03399-21

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1                   A bill to be entitled  
2           An act relating to liability of persons providing  
3           areas for public outdoor recreational purposes;  
4           amending s. 375.251, F.S.; providing that owners may  
5           not be subject to liability if they are generating  
6           certain revenues and those revenues are used  
7           exclusively for specified purposes; expanding the  
8           applicability of the limitation of liability for  
9           persons who provide areas to the public for outdoor  
10          recreational purposes without charge; revising and  
11          defining terms; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Paragraph (c) of subsection (2) and subsections  
16           (3) and (5) of section 375.251, Florida Statutes, are amended to  
17           read:

18           375.251 Limitation on liability of persons making available  
19           to public certain areas for recreational purposes without  
20           charge.—

21           (2)

22           (c) The Legislature recognizes that an area offered for  
23           outdoor recreational purposes may be subject to multiple uses.  
24           The limitation of liability extended to an owner or lessee under  
25           this subsection applies only if no charge is made for entry to  
26           or use of the area for outdoor recreational purposes and no  
27           other revenue is derived from patronage of the area for outdoor  
28           recreational purposes. An owner may derive revenue from  
29           concessions or special events but will only retain liability

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30 protection under this subsection if such revenue is used  
31 exclusively to maintain, manage, and improve the outdoor  
32 recreational area.

33 (3) (a) An owner of an area who enters into a written  
34 agreement concerning the area with a ~~the~~ state agency for  
35 outdoor recreational purposes, where such agreement recognizes  
36 that the state agency is responsible for personal injury, loss,  
37 or damage resulting in whole or in part from the state agency's  
38 ~~state's~~ use of the area under the terms of the agreement subject  
39 to the limitations and conditions specified in s. 768.28, owes  
40 no duty of care to keep the area safe for entry or use by  
41 others, or to give warning to persons entering or going on the  
42 area of any hazardous conditions, structures, or activities  
43 thereon. An owner who enters into a written agreement concerning  
44 the area with a ~~the~~ state agency for outdoor recreational  
45 purposes:

46 1. Is not presumed to extend any assurance that the area is  
47 safe for any purpose;

48 2. Does not incur any duty of care toward a person who goes  
49 on the area that is subject to the agreement; or

50 3. Is not liable or responsible for any injury to persons  
51 or property caused by the act or omission of a person who goes  
52 on the area that is subject to the agreement.

53 (b) This subsection applies to all persons going on the  
54 area that is subject to the agreement, including invitees,  
55 licensees, and trespassers.

56 (c) It is the intent of this subsection that an agreement  
57 entered into pursuant to this subsection should not result in  
58 compensation to the owner of the area above reimbursement of

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59 reasonable costs or expenses associated with the agreement. An  
60 agreement that provides for such does not subject the owner or  
61 the state agency to liability even if the compensation exceeds  
62 those costs or expenses. This paragraph applies only to  
63 agreements executed after July 1, 2012.

64 (5) As used in this section, the term:

65 (a) "Area" includes land, water, and park areas.

66 (b) "Outdoor recreational purposes" includes, but is not  
67 limited to, hunting, fishing, wildlife viewing, swimming,  
68 boating, camping, picnicking, hiking, pleasure driving, nature  
69 study, water skiing, motorcycling, ~~and~~ visiting historical,  
70 archaeological, scenic, or scientific sites, and traversing or  
71 crossing for the purpose of ingress and egress to and from, and  
72 access to and from, public lands or lands owned or leased by a  
73 state agency which are used for outdoor recreational purposes.

74 (c) "State agency" means the state or any governmental or  
75 public entity created by law.

76 Section 2. This act shall take effect July 1, 2021.